

# **METROPOLITAN AREA PLANNING COMMISSION**

## **MINUTES**

**January 4, 2007**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 4, 2007, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Darrell Downing, Chair; Don Anderson, Vice-Chair; Harold Warner, Jr., John W. McKay, Jr.; Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Don Sherman; Bud Hentzen; Hoyt Hillman and Morris K. Dunlap. Ronald Marnell and Michael Gisick were not present.

Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Derrick Slocum, Associate Planner; Scott Knebel, Principal Planner and Maryann Crockett, Recording Secretary.

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1. Approval of the December 7, 2006 MAPC minutes.

**ALDRICH** requested that the motion on Item #10 CON2006-52 be clarified to state that the action was to approve staff recommendation to deny the request.

**MOTION:** To approve the December 7, 2006 MAPC minutes, as amended.

**JOHNSON** moved, **HILLMAN** seconded the motion, and it carried (11-0).

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### **❖ SUBDIVISION ITEMS**

2. Consideration of Subdivision Committee recommendations from the meeting of December 28, 2006.

- 2-1 **SUB 2006-104: Final Plat -- VALENCIA ADDITION**, located east of Meridian and south of 53<sup>rd</sup> Street North.

**NOTE:** This is a replat of Northcrest Estates Addition that includes four additional lots. The street layout has been revised to include a loop street connecting two cul-de-sacs.

### **STAFF COMMENTS:**

- A. The applicant shall guarantee the extension of water and sewer. The applicant has previously petitioned for the sewer main which is under construction. The applicant shall contact **Debt Management** regarding the need for a respread agreement and the need for a cost redistribution on a square foot basis.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall

be submitted to the Planning Department for recording.

- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. The Applicant shall guarantee the paving of the proposed streets.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. Reserves A, B, C & D need dimensioned.
- H. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-ft street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. **GIS** needs to comment on the plat's street names. **The street names are approved.**
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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**2-2. SUB 2006-87: Revised Final Portion of Overall Preliminary Plat -- MEADOWLAKE BEACH ADDITION**, located on the northwest corner of 55<sup>th</sup> Street South and Clifton.

**NOTE:** This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family Residential and will be converted to SF-5, Single-Family Residential upon annexation. This plat is located within the Derby Area of Influence.

This is a final portion of the overall preliminary plat and represents the first phase of development. The street layout and lot configuration is consistent with the preliminary plat

**STAFF COMMENTS:**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. The sewer main in lieu of assessment fees need to be included with sewer petition.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **County Engineering needs to review a revised drainage plan. City Engineering has approved the drainage plan.**
- E. **Sedgwick County** recommends City of Wichita annex Clifton per KSA Statute 12-520(f).
- F. The owners of the reserves on the plat shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair, or maintenance.
- G. Complete access control is denoted along the Clifton frontage with the exception of two street openings. The final plat shall reference the dedication of access controls in the plat's text. **Access controls are approved.**
- H. **Traffic Engineering** needs to comment on the need for additional right-of-way along Clifton. **The right-of-way is approved.**
- I. The Applicant shall guarantee the paving of the proposed streets.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- M. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a

restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

- N. **GIS** needs to comment on the plat's street names. **Revised street names are needed.**
- O. The Shoffner Circle right-of-way needs corrected.
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within 30 days after approval by the City Council and/or County Commission.

- Y. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- Z. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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**2-3. SUB 2006-97: Final Portion of Overall Preliminary Plat -- WILLOW CREEK EAST ADDITION,** located east of Greenwich and on the south side of Harry Street.

**NOTE:** This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation.

This final plat consists of the northeastern portion of the overall preliminary plat approved for the site and represents the first phase of development. The street layout is consistent with the preliminary plat.

**STAFF COMMENTS:**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is aproved. Minimum pads need added for some lots adjacent to the pond in the northeast reserve.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes one street opening along Harry and complete access control along the Harry street frontage. The final plat shall reference the dedication of access controls in the plattor's text. **The access controls are approved.**
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure

Certificate in lieu of a guarantee may be provided.

- G. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- K. **GIS** needs to comment on the plat's street names. **"Sally"needs changed to "Countryside"**.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-foot utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.
- N. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of

delivery, and the tentative mailbox locations can be determined.

- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. *Westar Energy has requested additional easements.*
- Z. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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- 2-4. SUB 2006-110: One-Step Final Plat -- RAIN LINK ADDITION**, located on the east side of West Street and north of MacArthur Road.

**NOTE:** This unplatted site is located in the County adjoining Wichita's city limits and annexation is required. The applicant has requested a zone change from SF-20, Single-Family Residential to LI, Limited Industrial.

**STAFF COMMENTS:**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed.
- B. This plat will be subject to approval of the associated zone change and any related conditions

of such a change.

- C. The existing buildings on this site have water services. A petition is needed for future sewer (main & lateral)
- D. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **City Environmental Services** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. **A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available. The applicant is advised of potential design issues due to lot size constraints which need to be addressed at the permitting phase.**
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved subject to the following: The applicant intends to revise the drainage plan to show the runoff to the east will not change. Otherwise, an off-site drainage agreement is needed.**
- G. **Traffic Engineering** needs to comment on the access controls. The plat proposes two access openings along West Street. **The access controls are approved.**
- H. **Traffic Engineering** has required a 10-foot sidewalk and utility easement.
- I. A block number or letter shall be denoted on the face of the plat.
- J. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is

advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: **cholloway@wichita.gov**). Please include the name of the plat on the disc.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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- 2-5. SUB 2006-111: One-Step Final Plat -- STONEBRIDGE 2<sup>ND</sup> ADDITION**, located west of 159<sup>th</sup> Street East and on the north side of 13<sup>th</sup> Street North.

**NOTE:** This is property located in the County within three miles of the City of Wichita. It is in an area designated as "2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan. This is a replat of the Stonebridge Addition. The plat denotes increased lot widths and consists of 20 fewer lots. The street layout has not changed.

- A. Petitions have been provided with Stonebridge Addition for paving and drainage improvements to the County, and for water and sewer improvements to the City. **New petitions are needed for future improvements. Cost estimates will need to be reviewed.**

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- E. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management

Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- R. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)) . This will be used by the City and County GIS Department.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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**2-6. SUB 2006-112: One-Step Final Plat -- EARHART ELEMENTARY SCHOOL ADDITION**, located south of 45<sup>th</sup> Street North and on the west side of Arkansas.

NOTE: This is a replat of a portion of the Edwards Gardens Addition which includes the vacation of Mascot Avenue.

**STAFF COMMENTS:**

- A. Water service is available to serve the lot. The applicant has petitioned for the extension of sewer service (main and lateral).
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall

be submitted to the Planning Department for recording.

- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. An off-site drainage easement will be needed. The minimum pad elevation needs to be raised.
- D. Traffic Engineering needs to comment on the access controls. The plat proposes one access opening to Arkansas. The opening is approved.
- E. A guarantee is needed for the paving of 43<sup>th</sup> Street.
- F. Since the vacation of Mascot Avenue has created a dead end, a guarantee shall be provided for a hammerhead turnaround for the terminus of 43<sup>rd</sup> St. North in accordance with City Fire Department standards. In the alternative, the applicant shall contact the adjoining landowner to the south regarding submittal of a joint application for vacation of 43<sup>rd</sup> St. North.
- G. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised.  
  
More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- H. The year "2007" needs to replace "2006" within the signature blocks.
- I. The plat name needs to be corrected in the platlor's text.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management

Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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**2-7. Street Name Changes:**

- A. DER 2006-19 -- Street Name Change from Andrea Court to Michelle Court (Lots 7-12, Block E, Tara Falls Addition)
- B. DER 2006-20 -- Street Name Change from Andrea Court to Michelle Street (Lots 13 and 20-23, Block E, Tara Falls Addition)

**APPLICANT:** Wichita-Sedgwick County Addressing Committee, c/o Mike Kollmeyer,  
455 N. Main Street, Ninth Floor, Wichita, KS 67202

**LOCATION:** South of Harry and west of 127th Street East

**LEGAL DESCRIPTION:** **A)** Lots 7-12, Block E, Tara Falls Addition; **B)** Lots 13 and 20-23, Block E, Tara Falls Addition

**REASON FOR REQUEST:** The overall preliminary plat for Casa Bella Addition was approved by the Subdivision Committee on April 7, 2005 and included a proposed street named Michelle extending north into Tara Falls Addition. Michelle Street was shown as connecting with the existing cul-de-sac street named Andrea Court in Tara Falls Addition. Six lots in Tara Falls Addition adjoining Andrea Court were included in this preliminary plat that renamed Andrea Court as Michelle Street. This preliminary plat specifically denoted that the remaining segment of Andrea Court and the cul-de-sac would be renamed as Michelle Street and Michelle Court, respectively.

These six lots in Tara Falls Addition were replatted as Tara Falls 3<sup>rd</sup> Addition which denoted the adjoining street as Michelle. This plat was approved in October 2005 by the Planning Commission and recorded in June 2006. A condition of plat approval (Item H) specified that, "The street name is approved. A street name change will be needed for the adjoining segment of Michelle to the north."

**CURRENT ZONING:** "SF-5" Single-family Residential District

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **DUNLAP** seconded the motion, and it carried (11-0).

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❖ **PUBLIC HEARINGS – VACATION ITEMS**

**3-1. VAC 2006-45: Request to vacate a portion of platted complete access control.**

**OWNERS:** George W Johnson

**APPLICANT:** Richard Coldwell

**LEGAL DESCRIPTION:** The east 30-feet of the platted complete access control located on the south lot line of Lot 10, Block 1, Kessler-Koch Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located east of West Street, on the north side of 31<sup>st</sup> Street South (WCC District #IV)

**REASON FOR REQUEST:** Improve on site circulation for trucks

**CURRENT ZONING:** The site and the abutting eastern properties are zoned "GC" General Commercial. The northern abutting and western adjacent properties are zoned "LI" Limited Industrial. Adjacent southern property is zoned "LC" Limited Commercial.

The applicant has applied for the vacation of the complete access control along the site's east 30-feet of its 31<sup>st</sup> Street South frontage. The request will allow two points of access onto the site to allow better circulation of the site's truck/fright traffic. The site currently shares access (30-foot joint access) with the abutting western property, Lot 3, Kessler Addition. The proposed access is approximately 130-feet from its shared/joint access (west) and a public street, Illinois Circle (east). The proposed access is not located in line with the street (Illinois) south, across 31<sup>st</sup> Street South, from it, but is offset to the west. There are no manholes, sewer or water lines in the proposed access, nor are their platted easements. The Kessler-Koch Addition was recorded with the Register of Deeds September 26, 1975. A subsequent replat of this subdivision created the Kessler Addition (December 21, 1992) resulting in the site's current configuration and the shared/joint access on its west side. There is a restrictive covenant, Covenant #11, on this property with restrictions on uses, outside storage, noise, and additional screening requirements.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time December 14, 2006 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the platted wall easement and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions:

- (1) Vacate that portion of platted access control along the site's east 31<sup>st</sup> Street South frontage, as approved by the Traffic Engineer to establish access.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.
- (4) Dedicate 10-foot of right-of-way along the site's 31<sup>st</sup> Street South frontage.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All

vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's east 31<sup>st</sup> Street South frontage, as approved by the Traffic Engineer to establish access.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.
- (4) Dedicate 10-foot of right-of-way along the site's 31<sup>st</sup> Street South frontage.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**MOTION:** To approve subject to staff recommendations.

**ALDRICH** moved, **JOHNSON** seconded the motion, and it carried (11-0).

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❖ **PUBLIC HEARINGS**

4. **Case No.: ZON2006-55** – Rain Link Properties, LLC, c/o Shonda Chapa, MKEC Engineering Consultants Inc. Request County zone change from “SF-20” Single-family Residential to “LI” Limited Industrial on property described as;

Beginning 426 feet south of the northwest corner of the Southwest Quarter, of Section 12, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence east parallel to the north line of said Southwest Quarter, 278.71 feet; thence south parallel to the west line of said Southwest Quarter, 315.69 feet, thence west 278.71 feet; thence north 315.69 feet to the place of beginning. Generally located ¼ mile south of I-235 on the east side of West Street (annexation has been requested).

**BACKGROUND:** The applicant requests a zone change from “SF-20” Single-Family Residential to “LI” Limited Industrial on a 1.60-acre unplatted tract located one-quarter mile south of I-235 on the east side of West Street. The subject property was used as a warehouse/storage oriented use, but the existing structures are now currently vacant. The applicant proposes the zone change to develop the land for limited industrial uses, one of which being an irrigation system contractor and to allow expansion of the developed existing “LI” zoning abutting the subject’s property to the north, south and east sides. This case is published as a “SF-20” to “LI” request, but annexation for the subject property has been requested.

The surrounding area is characterize by large developed and undeveloped industrial tracts, with the developed tracts containing industrial and commercial uses. North of the application area is an “LI” zoned property used for plastic material manufacturing. East of the site is an “LI” zoned property developed with commercial uses. South of the site is an “LI” zoned property developed with warehouses/storage-oriented uses. West of the site is an “LI” zoned property developed with contract construction services.

**CASE HISTORY:** Annexation for the subject property has been requested.

**ADJACENT ZONING AND LAND USE:**

NORTH:	“LI” – Limited Industrial	Plastic Material Manufacturing
SOUTH:	“LI” – Limited Industrial	Warehouses/Storage Oriented
EAST:	“LI” – Limited Industrial	Commercial Uses
WEST:	“LI” – Limited Industrial	Contract Construction Services

**PUBLIC SERVICES:** The site has direct access to West Street, a four-lane minor arterial street with current traffic volumes of approximately 7,700 vehicles per day at this location. Public water and sewer service will have to be extended to the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The purpose of the “LI” Limited Industrial district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The “LI” district is generally compatible with the "Industrial" designation of the Wichita-Sedgwick County Comprehensive Plan. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "urban service areas."

The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Employment/Industrial Center” within the Wichita 2030 Urban Service Area.

Employment/Industrial Center, as described in the Comprehensive Plan, encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.

The Wichita 2030 Urban Service Area identifies Wichita’s urban fringe areas that are presently undeveloped but have the potential to be developed by the year 2030, based upon Wichita population growth projections and current market trends. This is the area in which City limits expansion and extension of municipal services and infrastructure should be focused during the period from 2005 to 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of

municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

Strategies for industrial uses in the 1999 Comprehensive Plan Update (IV.A1 & IV.A3) include protecting areas identified as industrial in the Comprehensive Plan from encroachment or expansion of residential land uses, by requiring appropriate buffers for expansion of the residential use when a nuisance situation is likely to be created, and to channel traffic generated by industrial uses to the closest major thoroughfare with minimum impact upon local residential streets.

The subject site's location, surrounded by "LI" zones currently annexed into the City of Wichita, makes it less attractive to develop as multi-family residential or as single-family residential with its current zoning of "SF-20." The proposed "LI" zoning matches up with previously mentioned developed and undeveloped "LI" zoning abutting the subject site's north, south and east sides. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial areas be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. Also, industrial traffic should not feed directly into local streets in residential areas, and industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

**RECOMMENDATION:** Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial and commercial uses. Properties along S. West Street are developed or to be developed with commercial warehousing, wholesale and business service, and contract service uses. This area has been identified as appropriate for industrial and commercial uses in City-County land use guides for over 40 years, and the properties along S. West Street, just south of I-235, have slowly been annexed into the city and developed into commercial and industrial uses. There are still large undeveloped tracts of "SF-20" and "LI" zoned properties in the area. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" and is currently occupied with vacant warehouse/storage structures. Given the guidance provided by the land use guides, this area should be developed with industrial and commercial uses, and due to its location across the street and abutting developed and undeveloped industrial zoning, it is unlikely that the subject property will develop as single-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning this property, requested to be annexed, will have minimal negative impacts on the area and will likely improve the property with the development of this property and the regulations controlling access, landscaping and screening. Also, the surrounding properties are zoned and developed similar to the subject property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The subject site's location of being surrounded by small and large developed and undeveloped "LI" zoned tracts make it less attractive to develop as multi-family residential or as single-family residential with its current zoning of "SF-20." The proposed "LI" zoning matches up with previously mentioned developed and undeveloped "LI" zoning abutting the subject site's north, south, and east sides. The existing "LI" zoned tract's proximity to a two lane arterial, a four-lane freeway, and other small and large "LI" tracts (north, south, east, and west across S. West Street) meet the intent of the Industrial Locational Guidelines of the Comprehensive Plan. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial areas be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. Also, industrial traffic should not feed directly into local streets in residential areas, and industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated as long as the recommend dedications of additional right-of-way, access control, and drainage plans are required.

**DERRICK SLOCUM** Planning Staff presented the staff report. He pointed out a typographical error on page two of the staff report and said it should read "unplatted tract" instead of platted tract.

**GREG ALLISON, MKEC**, said they are in agreement with staff comments.

**MOTION:** To approve subject to staff recommendations.

**MCKAY** moved, **ALDRICH** seconded the motion, and it carried (11-0).

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❖ **OTHER ITEMS**

5. **Case No.: DR 2005-21** Request Proposed Revisions to Zoning Regulations Pertaining to McConnell Air Force Base

**Background:** In September 2004, Sedgwick County received a grant from the Department of Defense to undertake a Joint Land Use Study relating to McConnell Air Force Base. Sedgwick County partnered with the Cities of Derby and Wichita and with McConnell Air Force to undertake the study using the consulting team of RKG Associates, Inc. and Ricondo & Associates, Inc. The result of this effort is the *McConnell Air Force Base Joint Land Use Study, May 2005 (JLUS)*.

In August 2005, Sedgwick County and the Cities of Derby and Wichita formed an Implementation Coordinating Committee (ICC) to consider the recommendations contained in the JLUS. The ICC was comprised of one elected official and one staff member each from

Sedgwick County and the Cities of Derby and Wichita and one representative each from McConnell Air Force Base, the Wichita Area Builders Association, the Wichita Area Association of Realtors, and the Greater Wichita Economic Development Coalition.

The ICC met a total of eight times to review and discuss the implementation merits of the recommendations contained in the JLUS, and in August 2006, made recommendations to the governing bodies. In November 2006, the governing bodies accepted the recommendations of the ICC and directed staff to proceed with implementing the recommendations, including proposed revisions to the zoning regulations.

Staff has devised a four step process for considering the proposed zoning regulation changes that the governing bodies have directed to be considered. The first step in that process is being presented on January 4, 2007, for a public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) so that the MAPC can make recommendations regarding the adoption of the proposed revisions to the zoning regulations.

The proposed revisions to the zoning regulations are shown in detail in the attached ordinance. The following is a summary of the proposed revisions to the zoning regulations:

1. A new *AFB, Air Force Base Zoning District* is proposed to be created. This zoning district would be the most intense zoning district in the zoning code hierarchy, meaning that properties in the other zoning districts would not be required to provide screening or buffers from McConnell Air Force Base. Additionally, this zoning district will impose no use restrictions or development standards, which formalizes current practice.
2. A new *AT/FP-O, Anti-Terrorism/Force Protection Overlay District* is proposed to be created in order to reduce potential threats to base property and personnel from terrorists. The overlay district would limit new structures within the overlay district to a height of 25 feet. Existing structures would be allowed to remain and could even be reconstructed at their existing height. Also, an exception process is proposed that would allow new structures to exceed 25 feet in height if base property would not be visible from the new structure.
3. A new *IP, Industrial Park – Airport Zoning District* is proposed to be created that would permit industrial uses that are classified as compatible with the operation of an Air Force Base by the Federal Land Use Compatibility Guidelines (LUCG). The proposed new zoning district would include a provision that would allow non-conforming uses in the district to continue and/or to be replaced, including with a use of equal or lesser intensity.

In subsequent steps, the MAPC will be asked to consider rezoning specific properties in proximity to McConnell Air Force Base to these new districts. An attached map illustrates the properties that will be proposed for rezoning at future MAPC hearings.

**Recommended Action:** Based on information available prior to the public hearing, staff recommends **approval** of the proposed revisions to the Wichita-Sedgwick County Unified Zoning Code as shown in the attached ordinance. This recommendation is based on the following findings.

1. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon property owners: The proposed revisions to the zoning regulations will further the health, safety, and welfare of the community by providing regulations that increase the compatibility of private land development with Air Force Base operations. The proposed new zoning districts, when applied to properties in the vicinity of McConnell Air Force Base, will permit development on private property that is not permitted by current zoning regulations. Therefore, the value of these properties should increase as a result of the proposed revisions to the zoning regulations. While the proposed revisions to the zoning regulations provide use regulations and development standards that are more restrictive than other similar existing regulations (*e.g.*, IP or LI districts), the proposed regulations provide sufficient development opportunities as to not create a hardship for property owners.
2. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed revisions to the zoning regulations are consistent with the recommendations of the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS). The JLUS recommends revising current regulatory requirements to minimize potential safety conflicts, as recommended by the Federal Land Use Compatibility Guidelines. The proposed revisions to the zoning regulations further this objective.

The above-referenced item has been reviewed by legal staff subsequent to Commissioners receiving their agenda packet for today's meeting. Legal staff has noted the following technical revisions that are needed for the ordinance attached to the agenda report:

1. Section III-B.16A.e.(3) and Section III-C.9.d. (pages 4 and 6, respectively) pertaining to nonconformities also need to be cross-referenced with Section VII of the Unified Zoning Code.
2. Section III-C.9.e. (page 6) needs to be modified to replace the term "exception" with "adjustment," and Section V-I.6. of the Unified Zoning Code needs to be modified to specifically grant the authority to approve the adjustment.
3. Section III-D.6. of the Unified Zoning Code needs to be modified to exempt property within the AFB, Air Force Base District from the Supplemental Use Regulations.

Therefore, planning staff recommends approval of the proposed revisions to the Wichita-Sedgwick County Unified Zoning Code as shown in the ordinance attached to the agenda report with the technical revisions noted in this memo.

**SCOTT KNEBEL** Planning Staff presented the staff report.

**KNEBEL** gave a brief background of the project stating that in September 2004, Sedgwick County received a grant from the Department of Defense to conduct a Joint Land Use Study relating to McConnell Air Force Base. He said a consultant was hired and Sedgwick County partnered with the cities of Derby and Wichita and McConnell Air Force Base. He said in August 2005, an Implementation Coordinating Committee was formed to review the study recommendations. He said that group met eight times over a period of one year. He said in November 2006, the governing bodies of Wichita and Sedgwick County voted to accept the recommendations of the Implementation Coordinating Committee, including amending the

Wichita-Sedgwick County Unified Zoning Code and rezoning properties in the area. He said staff has developed a four-step process to accomplish that task. He said the first step was to create three new zoning classifications, including the Air Force Base zoning district. He said this zoning district would be the most intense zoning district in the zoning code hierarchy, meaning that properties in the other zoning districts would not be required to provide screening or buffers from McConnell Air Force Base. He said a new Anti-Terrorism/Force Protection Overlay District is proposed in order to reduce potential threats to base property and personnel from terrorists. He said the Anti-Terrorism/Force Protection Overlay District will limit buildings to 25 feet in height, but that existing structures will be allowed to remain and exceptions may be granted if it is demonstrated that base property would not be visible from the new structure. He said a third Industrial Park-Airport zoning classification is proposed to provide for industrial uses compatible with the operation of an Air Force Base as indicated by the Federal Land Use Compatibility Guidelines. He said the guidelines outline the types of uses that are appropriate. He said there are also provisions to allow non-conforming uses since several dozen residential structures are located in the proposed industrial zone.

**HENZTEN** present at 1:43 pm

**KNEBEL** briefly reviewed a memo dated January 4, 2007, wherein legal staff had suggested some technical revisions in the proposed ordinance to amend the zoning code.

**DUNLAP** asked about the Industrial Park-Airport zoning classification and why it was named that way.

**KNEBEL** said that name was used so that the zoning classification could be applied to other airport properties in the future.

**CHAIRMAN DOWNING** noted for the record that there were no speakers from the public present to address this issue.

**MCKAY** asked since he owned property within the area to be rezoned, should he abstain from voting on this issue.

**JOE LANG**, Law Department, stated "no", since this was the vote to change the zoning code and add the new zoning classifications.

**DIRECTOR SCHLEGEL** asked **KNEBEL** to review for the Planning Commission the four-step process staff would use to accomplish the rezoning.

**KNEBEL** said the first step was to create the three new zoning classifications. He said step two was to change the zoning of the Air Force Base and establish the Anti-Terrorism/Force-Protection overlay district on properties with approximately one-half mile of the base. He said the third step would be to amend the existing Airport Overlay District, including notifying those property owners and holding a meeting to answer their questions and address their concerns prior to the public hearing. He said the final step was to change the zoning of properties in the area of the base to the Industrial Park-Airport district, including notifying those property owners and holding a meeting to answer their questions and address their concerns prior to the public hearing. He said the entire process would take approximately nine months.

Responding to a question from **MCKAY**, **KNEBEL** clarified that existing residential structures would be allowed to remain and also to be reconstructed, if damaged.

**MOTION:** To **APPROVE** the proposed revisions to the Wichita-Sedgwick County Unified Zoning Code as shown in the ordinance attached to the agenda report with the technical revisions noted in the memo dated January 4, 2007.

**HILLMAN** moved, **JOHNSON** seconded the motion, and it carried (12-0).

**BISHOP** asked when the proposed changes would be taken to the District Advisory Boards (DAB's) for review.

**KNEBEL** responded since most of property is in Sedgwick County, staff hadn't planned on taking the proposal to the DAB's. He added that they would hold a special meeting and invite all affected property owners.

**BISHOP** suggested staff use the DAB's as information conduits on the proposal.

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The Metropolitan Area Planning Department informally adjourned at 1:50 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>ss</sup>

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)